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भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)
GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (Rail Mantralaya)
(Railway Board)

No.2019/Sec(Crime)/45/02

New Delhi Dated: 25.06.2019

STANDING ORDER No. 111

Sub:- Streamlining the procedure for expeditious disposal of Railway Act cases.

Railway Protection Force (RPF) is empowered to register and enquire offences envisaged under 29 sections of the Railways Act, 1989. A number of Railway Act cases remain pending 'under enquiry' and 'under trial' for longer period due to various reasons. Also different RPF Posts & different Zonal Railways are adopting different practices to deal with Railway Act cases. To streamline the procedure & expeditious disposal of Railway Act cases pending enquiry and pending trial, following guidelines are being issued:-

(A). Registration of the case and information to the jurisdictional Court:- Constructive interpretation of Section 179 and 180 (D) of the Railways Act & Section 57, 4(2), 157(1) of Cr.P.C. makes it clear that the E.O. has to 'forthwith send a report' to the Magistrate. Prime factor is receipt of information of the offence.

Therefore, in all cases registered under the Railways Act (with or without arrest of accused/registered against known/unknown accused), jurisdictional Court must be informed immediately after registration of case.

(B). Procedure to be followed and Supervision:- Cases registered under the Railways Act may be classified into two categories:

Petty Cases: These cases are disposed by the court immediately after the accused is/are produced. Cases registered under following Sections of the Railways Act falls in these category: 137, 138, 139, 141, 142, 144, 145, 147, 155, 156, 157, 159, 162, 163, 164, 165, 166, 167 and 172 (19 Sections).

Non petty cases: These cases require detail enquiry and prolonged prosecution: cases registered under following sections of the Railways Act falls in this category: 143, 146, 153, 154, 160, 161, 173, 174, 175, 176 (10 Sections).

However, there may be zonal variations due to local factors. In some zones, cases registered under Sections 141, 144, 166 are pending trial for a longer period.

Zonal Railways may classify sections into one or the two categories and follow procedure as outlined below:

(i) In petty cases (whether registered against known or unknown accused/with or without arrest) enquiry to be completed by the E.O. within 15 days.

If E.O. fails to complete enquiry within 15 days; he shall seek permission of the Post in-charge in writing for extension of seven days. Beyond this period extension shall be given by the jurisdictional ASC for reasons to be recorded in writing.

If the accused is/are not arrested/not traced within 30 days from the date of registration of the case, E.O. will seek permission of the concerned ASC through Post in charge for closure of case. In such cases, ASC shall be competent authority to accord executive permission for closure of the case. Accordingly, E.O. will inform the Court about closure of the case.

(ii) In non petty cases (whether registered against known or known accused/with or without arrest of accused) enquiry shall be completed by the E.O., within 45 days' from the date of registration of case.

In case enquiry is not completed within 45 days, E.O. will seek permission, in writing giving reasons for delay, through Post in charge, of the concerned ASC for extension of 30 days'. Beyond this period any extension shall be granted by Sr.DSC/DSC after perusal of case file and for reasons to be recorded in writing.

If the accused is/are not arrested or not traced, executive permission, for closure of such cases, shall be granted by Sr.DSC/DSC for reasons to be recorded in writing. After this permission, E.O. shall inform the concerned Court about closure of the case.

(C) A booklet was issued by the Railway Board outlining documents to be submitted and procedure to be followed by the E.O. in each section of the Railways Act after registration of a case. This document was circulated in 2004 and Zones were directed to train the E.O. on these lines. However, with the passage of time this document has gone into oblivion and cases are being filed in Court mostly based on convention.

A copy of the guidelines is enclosed with the Standing Order. To ensure effective and deterrent punishment documents to be prepared and procedure to be followed, as outlined in enclosed booklet circulated by the Board, must be adhered to.

(D) Enquiry must be completed within the limitation period as explained in para 4(B).

(E) For cases registered u/s 143, details of booking through personal IDs using same IP address may be obtained from IRCTC.

following sections: 141, 143, 144, 153, 154, 160, 161 and 174 as there are chances of same accused committing offences again and again.

Till such time Zonal/National data is developed, Posts must tally from their records about repeated offenders, brings it to the notice of the court in writing with supporting documents and seek higher punishment.

In such cases, where punishment given by the lower court is inadequate, appeal may be filed in higher Court with the permission of Sr.DSC/DSC.

(H) Post in charge shall monitor the progress of both pending enquiry and pending trial cases and ensure corrective measures to avoid undue delay.

(I) Post in charge shall maintain following details in excel format in the computer available at post and update it periodically:

S. No.	Case Regd. No.	Date of regd.	Section(s) of the Rly Act	Name & designation of the E.O.	Date of completion of enquiry & submission to the Court	Name of the Court	Next date with stage of the case.	Final Disposal Details
1	2	3	4	5	6	7	8	9

Note:

(a) Stages of case means to specify whether case is pending for appearance of accused, pending for evidence before charge, pending for after charge evidence etc.

(b) Entries in column No. 08 will be progressive and flow with the cause list of courts.

(J) Progress of all pending enquiry and pending trial cases be reviewed by the Gazetted Officers during inspection of Post/Out Post and be made a part of their Inspection Note ensuring adherence to legal provisions and guidelines issued on this subject.

(K) Pending warrants, summons must be executed regularly. E.O. must ensure proper recording of the identity and address of the accused and must rely upon verifiable documents like Aadhar Card, Savings Bank Account, Voter I-card, Passport, Photo I-card by Govt./Semi Govt. agencies.

(L) Prosecuting Officer should be encouraged to resort to the 'plea bargaining' as prescribed under Chapter-XXI of the Cr.P.C. and also for holding Lok Adalats (where ever applicable) in order to reduce the pendency.

(M) Post in charge and E.O. shall liaise with PP/APP to impress upon the Court for early disposal of cases through measures like dates on short gaps, not allowing adjournment of flimsy/false grounds etc.

(N) E.O. and Post in charge shall be responsible for producing prosecution witnesses in time.

DA:- 39 Pages.



(Arun Kumar)
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Railway Protection Force

All PCSCs/RPF/Zonal Railways, KRCL,
ICF, RPSF, CORE, Construction, JR RPF Academy

All Officers, Force Headquarter, New Delhi
All Branches, Force Headquarter, New Delhi